

Debate on Electoral Question.

HOUSE OF REPRESENTATIVES DECEMBER 12, 1853.

Sundry bills, prescribing the manner in which Electors of President and Vice President of the United States shall hereafter be chosen as introduced by Messrs. Tillinghast, Poppenhain, Kershaw McCrary and Leitt, (in Committee of the whole House, Mr. B. J. Johnson in the chair,) were under consideration.

Mr. Hutson said there were embarrassing circumstances attending a discussion of this subject. He had no doubt members had come here with fixed opinions, and had formed determinations as to their vote. The action of Congress in the matter he feared was influenced by the obvious principle of centralizing power in the federal government. To such a feature of government he could never give his assent. A change in the organic law is an evil, though he did not wish to be understood as opposed to all changes; but it was due to State rights and all the other great interests involved in assenting to any change, to be sure that it is to work less evil than the measure proposed to be supplanted.

The evils of any change can never be foreseen. The English reform bill, extending the privilege of voting to tenants at will, as giving power in the hands of landlords, was referred to on this point as working corruption.

Gentlemen say the people demand the change whilst others think their interest is better preserved as retaining this power where it is. Adopt this change of giving it to the people, and you will find the whole matter under the control of a few men who may assemble at Columbia. It will be placed in the hands of a clique of politicians and not the free will of the people. The people of South Carolina he believed to be better informed in regard to great national principles than those of any other portion of the Union—attributable alone to the peculiar character of its institutions and practices. A pure ballot box will keep up a pure legislative body. The people of South Carolina have never desired to go into the scramble incident to national election the mere politicians have seduced them, even if they have to tempt the people; and hence the purity of all elections and legislation in this State, which stands in proud array when compared with other States.

He differed with the gentleman from Greenville (Mr. Perry) in the opinion that wealth could be more corrupting in leaving the power in the body now enjoying it, than in the change proposed. He maintained that the doctrine of State rights has been long sustained in South Carolina than any other State. The Democratic party has done as much for centralization as the Whig party. The great feature of that principle exists in theory but has lost its vitality in other States. The centralization of power in the Federal Government is fearfully increasing, and he appealed to South Carolinians against being swallowed up in the vortex.

In regard to the past votes of the State, he viewed them in a different light from the gentleman from Greenville believing that the vote cast against Pickens and for Burr was in sustenance of the position of State rights—the former a bold defender of that principle, and the latter opposing it. So in all her past course, there is but a clear maintenance of the State's doctrine, teachings and principles.

The gentleman further asserts, that there exists two interests—one to extend and another to restrict federal power. He did not believe the two great political parties of the country, as such, or either of them, were disposed to do wrong, whatever might be said of factions and the course of individuals. He expressed strong faith in the virtue patriotism and intelligence of the people of South Carolina; and, believing the machinery of State Government to work well thought they were disposed to abide by it.

Mr. Lead regarding the vote he should be called upon to give on this subject as perhaps the most important of the session, uttered his most earnest protest against any change. The present system existing for half a century has carried the State and the people onward in peace, prosperity and happiness. From long cherished regard and belief in the principles of present form of State government he felt constrained to do all in his power to sustain this time-honored principle. He did not like the idea of a convention saying to the State of South Carolina who she should vote for; for a mere nomination carries with it the vote of the people; preferring rather to leave it to those who the people themselves shall select to come here, deliberate and act upon the best dictates of their judgments.

As a State, he protested against giving up a practice which has preserved its highest interest and pride, adopt the system of other States, which have led them into turmoil and disgrace. The spirit of change he regarded as attended with difficulty, and most apt to result in evil. Adhere to our conservative system and he believed it remained for this State to illustrate the true principles and feature of a republican Government.

Mr. Green passed briefly in review the constitutional issues raised, and took up other arguments advanced in debate. If it be true, as gentlemen assume that the people are incompetent to choose electors of President and Vice President, he desired to know how they could be regarded as worthy to elect members to the legislature. Why a distinction between the people of South Carolina and those of Georgia or any other Southern State, if no perfect safety in calling upon the people

to act directly upon so important a matter as electing the highest officers. Give the people the power to act, and the privilege of thinking for themselves and demagogues will lose their position. He denied that the people, under existing circumstances, govern, either in the State or national government, and favored the extension of popular rights and privileges.

Mr. Tillinghast, as author of one of the bills pending, congratulated himself upon what he had listened to in its favor. The gentleman who had just taken his seat he regarded as eloquent in style, but a too fair representative of "Young America" in sentiment, to meet his full approbation. He contended that the people could not express any opinion, as a State, but through the Legislature so long as the present Constitution and laws remain. The Constitution leaves the States sovereign. The President combines the elements of State and popular power as in the event of a failure to elect by the popular vote, Congress chooses; in which event each State large and small, alike gives but one vote.

The Legislature of a State is the true representative of the State; and he spoke at length in favor of his particular measure.

Mr. McGowan favored giving the election to the people. He believed some change necessary; that no better scheme had been presented; and that the Legislature could not be properly regarded as a fair exponent of the will of the people.

Mr. Thomson had no idea of dancing attendance upon the mere whim of Congress; its requirement suggestive of a change of the State's past course, might be followed by other like movements. He was for adhering to the policy of the State.

Mr. Mullins concurred entirely in that feeling which opposed changing any long tried system, unless it had been found to work gross evil; but yet he thought it could not be denied that change is inevitable. The popular mind demanding it, it became necessary to endeavor to select some plan which shall be less liable to objection. One of these bills seemed based upon such fair principles as to recommend itself to his judgment. It tends to create no excitement, no jealousy, no wrong, and less liable to demands for being again changed. He had no desire to see any thing done to beget excitement, but the measure forced itself upon him, and he thought it prudent to give now what the people demand, rather than put off action, thereby begetting and continuing excitement.

Mr. Gadberry regarded it as conceded that the Legislature has the power of election, and believing it competent for the Legislature to give that power to the people without touching the Constitution, he was for transferring it. He would go thus far although he did not believe the people wanted this transfer of power. It may do to talk of managing segregated portions of the people, but he had no fear from the great political parties into which the country will ever be divided, whig and democrat, of their attempting any serious injury to the country. He should oppose electing the Governor and the Judges by the popular vote; but when you come to elect an officer of the State, purely federal, the people's right should exercise an individual franchise. He objected to the bill immediately under consideration, from the fact of its giving too great influence to the property in slaves. He concluded by offering an additional section, requiring the bill to be put to a vote of the people at the next election.

Mr. Thorne thought there was no difference as to the general question of a change, and therefore proposed that the committee rise and report the bill to the House for its adoption, but subsequently withdrew the motion.

On the motion of Mr. Mullins, the section proposed by Mr. McGowan was laid on the table.

Mr. McLady wanted to know if a single majority of one vote was to govern the whole will of every man, woman, child, and three-fourths of the slaves of a district, however populous. Such could not be called the popular will. If any thing could come near the expression of John Q. Adams, of one's voting for his slaves, such a state of affairs would be presented. He had proposed a plan allowing the people to vote directly for President and Vice President, and preferred that mode, if any change is to be made, and which he pressed for adoption.

Mr. Elliot said that in displacing fundamental laws, gentlemen could not exercise too much caution. A belief in the propriety of a change was one thing, but what should be substituted was another, and of the utmost importance. When a State casts its vote for an executive officer, it exercises and discharges the highest power and duty. Encroachment upon a constitution forms but a stepping stone to further innovations; and he appealed to gentlemen to be guarded in whatever they might do in this first step.

Mr. Jordan had come to the conclusion that the whole question narrowed itself down as to what is meant by "sovereignty." It had been held that the people, in their individuality were not sovereign, but only become so through their Legislature. He analyzed the question, and came to the conclusion that "sovereignty" rested in the people, and, as a consequence, he claimed for the people the largest kind of liberty, equality, power, and influence.

Mr. Perry moved that the Committee rise and report the bill introduced by the gentlemen from Charleston, with his proposed amendment, for adoption; which was negatived.

Mr. McLady moved to rise and report the bill introduced by himself; which was negatived.

The bill providing for changing the 13th section of the 10th article of the Constitution, changing the time of electing members, and the assembling of the Legislature coming up, Mr. Middleton offered a substitute therefor; which was rejected.

Mr. Tucker moved that the Committee rise, report the bills to the House, and ask to be discharged from the further consideration of the subject; which was agreed.

The Committee rose, and the House adjourned.

List of Acts.

Passed by the General Assembly of South Carolina, at the Session of 1853.

- 1. An Act to recharter the Bank of Camden South Carolina.
2. An Act to recharter the Merchants' Bank of South Carolina.
3. An Act to vest the right and title of the State in and to a certain lot of land in the town of Darlington in Joseph Frank.
4. An Act to renew the charter of the Bank of Charleston, South Carolina.
5. An Act to renew the charter of the Bank of South Carolina.
6. An Act to authorize the Spartanburg and Union Railroad Company to extend their Road from some point at or near Spartanburg Court House, to some point on the North Carolina line, in the direction of Asheville or Rutherford.
7. An Act to amend the charter of the Firemen's Insurance Company of Charleston.
8. An Act to renew and amend the charter of the State Bank.
9. An Act to recharter the Bank of Hamburg, South Carolina.
10. An Act to confer on Isaac Iseman and Marx certain rights and privileges in relation to a piece of land by them purchased.
11. An Act to establish a Rifle Battalion in the parishes of St. Phillips and St. Michaels.
12. An Act in relation to the Trustees of the South Carolina College.
13. An Act to incorporate the Central Bank of South Carolina.
14. An Act to cede to the United States certain parcels of land as sites for Light Houses and Beacons.
15. An Act to authorize the Laurens Railroad Company to extend their Road from Laurens Court House to the North Carolina line in the direction of Asheville.
16. An Act to amend the charter of the Greenville and Columbia Railroad Company.
17. An Act to declare a certain description of a reams navigable, and for other purposes.
18. An Act to incorporate the Columbia and Hamburg Railroad Company.
19. An Act to charter a Company to construct a Railroad from the junction of the Camden and Columbia branches of the South Carolina Railroad to Hamburg, South Carolina.
20. An Act to incorporate the Branchville and Savannah Railroad Company.
21. An Act to give the Town Council of Yorkville the power to issue the Bonds of the Corporation, and for other purposes.
22. An Act to amend an Act to incorporate the Florida Steam Packet Company.
23. An Act to authorize the Commissioners of the Poor for St. Bartholomew's Parish to sell certain lands, and for other purposes.
24. An Act to authorize the formation of the Newberry and Chester Railroad Company.
25. An Act to Charter the Charleston and Savannah Railroad Company.
26. An Act to prohibit the collection of demands against students of Colleges and Institutions of Education in this State.

27. An Act to provide funds for the erection of the New State Capitol.
28. An Act to declare and amend the law in relation to words of limitation in Wills and Deeds.
29. An Act to extend the time for receiving subscriptions to the Western Bank of South Carolina at Anderson.
30. An Act to authorize the Commissioners of the Poor for Pickens District to sell certain lands and for other purposes.
31. An Act to authorize the Bank of Newberry, and the Planters' Bank of Fairfield to increase their capital.
32. An Act to amend an Act entitled an Act to incorporate the Town of Hamburg, and for other purposes, passed on the nineteenth day of December, in the year of our Lord one thousand and thirty-five.
33. An Act to renew and amend the charters of certain towns and villages heretofore incorporated.
34. An Act to incorporate certain Religious and Charitable Societies, and Societies for the advancement of Education, and to renew the charters of others heretofore granted.
35. An Act to raise supplies for the year commencing in October, one thousand eight hundred and fifty-three.
36. An Act to amend the law in relation to Weights and Measures.
37. An Act to allow William Langston to hawk and peddle in Union District, without the payment of the tax now imposed by law.
38. An Act for the establishment of a general system of Registration of Births, Marriages and Deaths, in the State of South Carolina.
39. An Act to exempt the survivors of the South Carolina Volunteers, in the Florida War, from ordinary Militia duty and for other purposes.
40. An Act to authorize the South Carolina Railroad Company to construct a certain Bridge over the Waconee River.
41. An Act to provide for the measuring of timber in the city of Charleston.
42. An Act to vest the title of the State in certain ecclesiastical property to sundry persons therein mentioned.
43. An Act to incorporate certain societies, associations, and companies, and to renew and amend the charters of others.
44. An Act to establish certain roads, bridges, and ferries, and to renew certain charters heretofore granted.
45. An Act to make appropriations for the year commencing in October, one thousand eight hundred and fifty-three.
46. An Act to alter the sittings of the Courts of Law on the Western Circuit, and the Court of Equity for Charleston District.

47. An Act to amend the charter of the Bank of South Carolina.
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THE SUMNER BANNER.

SUMNERVILLE, S. C.

J. RICHARDSON LOGAN, EDITOR.

WEDNESDAY, DEC'R, 27, 1853.

COTTON MARKET.

SUMNERVILLE, DEC. 27.

Prices continue to range from 7 1/2 to 9 3/4c.

CHARLESTON, DEC. 24.

COTTON.—The transactions to-day were limited to some 700 bales, at extremes ranging from 9 a 10 1-2 c. Prices were about the same as previously reported.

SNOW.—There was a sharp fall of Snow in this place on Saturday night, which remained on the house tops until Monday.

FOR GOVERNOR.—A writer from this District to the Charleston Standard, nominates Genl. ADAMS of Richland, for our next Governor. Genl. Adams would not fill the Chair of State.

IMPORTANT MAIL ARRANGEMENT.—The Wilmington Herald has the following statement:—

"We learn that a new schedule has been made, and that the mail for the South, heretofore due at this place at 9, a. m. will hereafter be due at 7, p. m., and will, upon arrival, be transferred to the Wilmington and Manchester Road, instead of being conveyed by Steamers the next morning to Charleston as heretofore. The cars will leave on the arrival of the Northern train, thus making a difference of twenty four hours in favor of the proposed schedule over that formerly existing. This change, we are informed, will take place after the first of January next. A new schedule will be shortly published.

The Times.

Our Legislature has adjourned, and to the many who will ask the question; what have they done?—we answer, read the list of published acts in another column. To those who ask why more has not been done, and such and such public questions disposed of?—we answer, that your Legislature have done all that ability and industry could do, in the short time allowed for their deliberations. To those who wish to know how the State government is to be supported, and appropriations provided for we say, read the Tax Bill also in another part of this paper. Congress has adjourned for the holidays, and the members are busily engaged discussing the merits of Hook, Champagne, Canvas-back ducks, &c. &c. &c.

In Europe, thus far, Turkey has the advantage over Russia in the recent battles. France and England playing a safe game by looking on and waiting for a grab chance.

The Chinese themselves, do not know what they are about, and how slow we.—To make a long top; in Sumterville the snow has melted; fire-crackers and dimes monopolize the streets, printers have holiday; in consequence of which only a half sheet of the Banner is issued; the editor is tired writing, and wants—more perhaps, than he will get.

Legislative Appointments.—The following District officers were appointed by the Legislature, at its last session. Coroner and Exciseor, A. A. NETTLES. Magistrates J. R. LOGAN, and J. S. RICHARDSON, jr.

Commissioners of Free Schools.—In Charolton.—John Rhine, vice W. J. Reynolds, resigned.—Turner Davis, vice J. O. Herot, resigned. Commissioners of Roads.—Claremont.—Nathaniel Bradford, vice W. N. White, resigned. John B. Moore, vice J. J. Moore, deceased. T. B. Fraser, vice J. W. Robertson, resigned. S. P. Gaillard, vice C. C. Jackson, resigned. John P. Gardner, vice Turner Davis, resigned. H. L. Pickens, jr., vice John S. Bradford, resigned.

Commissioners of Roads.—Salem.—J. K. McEveen, vice J. M. Baker, resigned. John Muldrow, vice W. A. Muldrow, resigned.—James Bradley, vice J. E. Witherspoon, resigned.

Tax on Mechanics.—Among the Bills introduced into the Legislature at its recent session was one to levy a tax upon the profits of the labor and industry of Mechanics. From the annexed card, which is copied from the Carolinian, we are pleased to see that our worthy Senator Col. Moses detected the gross injustice of the proceeding and boldly denounced it. Upon his motion it was stricken out of the appropriation Bill.

Mr. Editor: In the bill to make appropriations for the year, commencing October, 1853, as it passed the House of Representatives, a tax was imposed of 60 cents per hundred dollars on the profits of mechanics, whose income from their occupation should exceed one thousand dollars. On the bill coming up to the Senate, Mr. Moses moved to strike out the clause above referred to, giving reasons for his motion, which recommended it to the approval of the Senate.

He said it was for the first time proposed in South Carolina to tax the mechanical labor of the country. While the mechanic was now liable to pay a tax on his slaves and his lands, it was to impose burdens upon his industry. While the slaves of the country; who are mechanics, are, as such, not liable to taxation, it was proposed to tax the white mechanics, thereby placing restrictions upon them. He said that for his part he preferred that white mechanics should be encouraged by the State, thinking it best that slave labor should be employed in agricultural pursuits. The motion of Mr. Moses prevailed, and the thanks of the mechanics are due to him and the Senate.

A MECHANIC.

Steam-boat Explosion.

The Charleston papers give the account of the blowing up and destruction of the Steamboat Marlborough bound for Cheraw, just as she was leaving the Wharf. The larger portion of the boiler was thrown a distance of a hundred yards, swept through the front of a large brick Cotton shed on the wharf, and lodged in the Cotton. The number of hands on board was 20, 90 of 7 of whom, at the latest accounts, were known to be saved, three of whom were severely injured. Every officer on board was killed except the second engineer, a colored man.

This is the second explosion, within a very short period, of boats on that route.

NEWS ITEMS.

Valuable Silver and Copper Mines have been discovered in the upper parts of Greenville, S. C.

It is stated that the Duke of Alba had apologized to young Soule for the remark that occasioned the flare-up in Madrid.

A Bill has been introduced into the Tenn. Legislature to tax the selling of slaves, when carried on as a business.

Ex-Senator Clenden, of Alabama, it is said, has returned an invitation to address a meeting of "Hards" in Philadelphia, assigning as a reason his friendship for the Administration.

The Government has advices which show that the total emigration to the United States from the Port of Bremen for the year ending on the 30th inst., will reach the enormous figure of 55,000 souls!

Col. JAMES McDANIEL has been elected Ordinary of Chester District, for the next four years.

A bill is before the Alabama Legislature to tax every voter \$1 per annum for public school purposes.

The Weldon Patriot of Thursday says: "it is with deep pain that we announce the decease of Col. W. S. Alston on Monday morning last."

Macon (Ga.) Telegraph has a notice of a dinner served up at a hotel in that place on Sunday last at which fresh shad and green peas were among the delicacies.

W. J. M. JONES has been elected Colonel of the 40th Regiment of South Carolina Militia.

A Company with a capital of \$10,000,000, is being formed to establish a line of Steam Ships from San Francisco to China.

Dr. A. P. Wylie, of Chester, charged with the homicide of W. Parham has been admitted to bail by his Honor Judge O'Neal, and the sum fixed at ten thousand dollars. Dr. W. was represented by Mr. McAllely, of Chester, and Hon. F. I. Moses, of Sumter.

G. W. WOODWARD has been elected Ordinary and O. K. THOMPSON Clerk of the Court for Fairfield District.

Tax Bill.

The following is the Tax Bill passed by the last Legislature.

A BILL to raise supplies for the year commencing in October, one thousand eight hundred and fifty-three.

Sec. 1. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by authority of the same, That a tax be levied on the amount of commissions received by vendue masters and commission merchants, 30 cents per hundred dollars on the capital stock last Oct. 1st, of all banks which for their present charters have not paid a bonus to the State; 30 cents per hundred dollars on the capital stock of all incorporated Insurance Companies; 30 cents per hundred dollars on the capital stock of all incorporated Gaslight Companies; 15 cents per hundred dollars on all premiums taken in this State by the agencies of insurance companies and underwriters without the limits of this State; 20 cents upon every hundred dollars of the amount of sales of goods, wares, and merchandise embracing all the articles of trade for sale, barter or exchange (the products of this State and the unmanufactured products of any of the United States, or territories thereof excepted,) which any person shall have made from the 1st day of January in the year of our Lord one thousand eight hundred and fifty four, either on his, her or their capital, or borrowed capital, or on account of any person or persons as agent, attorney or consignee; 20 cents upon every hundred dollars of the amount of sales of goods, wares, or merchandise whatsoever, which any transient person, not resident in this State shall make in any house, stall or public place; 10 dollars per day for representing publicly, or for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage or any part thereof, or for exhibiting wax figures or other shows of any kind whatsoever, to be paid into the hands of the clerks of the court respectively, who shall be bound to pay the same into the public treasury, except in where the same is now required

by law to be paid to corporations or otherwise.

Sec. 2. That all taxes levied on property, as prescribed in the first section of this Act, shall be paid to the tax-collector for the district or parish in which said property is located.

Sec. 3. In making assessments for taxes on the value of taxable property used in manufacturing or for railroad purposes within this State, the value of the machinery used therein shall not be included, but only the value of the lots and buildings as property merely.

Sec. 4. That the tax-collectors in the several Districts and Parishes in this State, in their returns hereafter to be made, be and they are hereby required and enjoined to state the precise amount of taxes collected by them, for the purpose of supporting the police of the said several districts and parishes aforesaid, stating the rates per centum on the amounts of the State tax collected for said district and parish police purposes; and the Comptroller General shall return the same in his report.

Sec. 5. That free negroes, mulattoes and mestizos be, and they hereby are, required to make their returns, and pay their taxes during the month of March.

THE PENITENTIARY.—Since the establishment of the Georgia Penitentiary, 13-43 convicts have been received within its walls, 712 were convicted of larceny; 260 offences against the person from assault and battery to murder; 38 of unlawful indulgence of the sexual passions; 27 of perjury; 76 of forgery; 51 of burglary; 32 of counterfeiting and crimes of a like character; 15 of robbery; 25 of vagrancy.

It will thus be seen, that our criminals are a thieving and fighting set of vagabonds. If these two classes of offences could be prevented, there would be but few criminals in Georgia. Indeed the love of money is the root of nearly all the crimes committed in the State. 921 out of 1313 convicts were guilty of offences against property.

Savannah News.

DR. HINES AGAIN.—Our readers may remember, says the New Orleans Crescent of Wednesday, that the famous Dr. Hines was sent before the First District Court, some time since, by Recorder Winter, on the charge of swindling a little boy to the amount of four dollars by virtue of hard lying and soft persuasive manner. Yesterday this grand rascal was brought before Judge Lorie for trial, and after making a most moving speech was found guilty and charged in the indictment.

"STOP MY PAPER."—The following remarks are too good to be thrown one side, without at least a passing notice. They are true to the letter, and suitable to all localities. We are of opinion that the weakest capacity cannot fail to understand them:

It is astonishing what exalted notions some persons have of their own importance. They seem to imagine they are altogether necessary to the onward roll of our little world, and that if, by any means, they should be shoved out of the way, the screws would be so loose that the old machine would no longer hold together; and of course, if such important personages only say to an editor "stop my paper," the whole establishment must go to out instant.

We have often laughed in our sleeve—though outwardly we looked as grave as an owl—when one of these regulators of the world has marched into our editorial sanctum, and ordered a discontinuance of his paper. And it all ways does us good to see how the starch is taken out of him, while the editor smilingly replies: "Certainly, sir, with the greatest of pleasure, just as soon as the clerk has entered a hundred or more names, which have just been sent in." The mighty man wits down like the narrative of a whipped spaniel, and he shrinks away muttering to himself, "Well, I am afraid that stopping my paper has not ruined him after all."

AN INTENSE NATIVE AMERICAN.—The most decided case of nativism we have recently known, is that of a person in this city who was asked to attend the Pilgrim Ball at Plymouth, on the 22d inst. He replied, that "he was not going forty miles to attend a celebration in honor of the arrival of a parcel of foreigners."

[Boston Transcript.]

TABLE-TALK or KNOCKING, sometimes leads to embarrassing results, as proved by the following gossip current at Berlin:

A party met one night, and formed a chain, and when the fluid was in movement a married lady present put the question:

"How many children have I?"

"Tap, tap, tap, tap," or four, replied the table.

"True, wonderful!" exclaimed the lady and all others.

Presently her husband came in and asked the same question.

"Tap, tap," or two, was the answer.